IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	NITED STATES OF AMERICA)
	Plaintiff,) 8:05CR406)
	vs.) DETENTION ORDER
LU	JISANA MIRANDA,	
	Defendant.	j ,
A.	Order For Detention After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on November 22, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 	
C .	which was contained in the Pretrial Service X (1) Nature and circumstances of the contained in the Pretrial Service X (2) The crime: the posses kilograms of cocaine in minimum sentence of the imprisonment. (b) The offense is a crime of the contained in the contained in the pretrial Service X (2) The crime: the posses kilograms of cocaine in minimum sentence of the imprisonment. (b) The offense involves a contained in the Pretrial Service X (1) Nature and circumstances of the posses kilograms of cocaine in minimum sentence of the imprisonment. (b) The offense involves a contained in the Pretrial Service X (2) The crime: the posses kilograms of cocaine in minimum sentence of the imprisonment. (c) The offense involves a contained in the Pretrial Service X (2) The crime: the posses kilograms of cocaine in minimum sentence of the imprisonment. (d) The offense involves a contained in the posses kilograms of cocaine in minimum sentence of the imprisonment. (d) The offense involves a contained in the pretrial Service (d) The offense involves a contained in the posses kilograms of cocaine in minimum sentence of the imprisonment. (d) The offense involves a contained in the pretrial Service in the posses kilograms of cocaine in minimum sentence of the imprisonment. (d) The offense involves a contained in the pretrial Service in the posses in the posses in the posses in the pretrial Service in the posses	he offense charged: sion with intent to distribute in excess of 5 n violation of 21 U.S.C. § 841(a)(1) carries a en years imprisonment and a maximum of life of violence. narcotic drug. large amount of controlled substances, to wit:
	affect whether the The defendant has X The defendant has X The defendant has X The defendant is r X The defendant doe Past conduct of th X The defendant has The defendant has The defendant has The defendant has proceedings.	s of the defendant including: spears to have a mental condition which may defendant will appear. s no family ties in the area. s no steady employment. s no substantial financial resources. not a long time resident of the community. es not have any significant community ties.

DETENTION ORDER - Page 2 Probation Parole Release pending trial, sentence, appeal or completion of (c) Other Factors: X The defendant is an illegal alien and is subject to deportation. ____ The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment. The defendant has an outstanding arrest warrant in Maricopa County, Arizona, for a drug charge and a detainer has been placed with the U.S. Marshal. ICE has placed a detainer with the U.S. Marshal for the deportation of the defendant. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or X (2) An offense for which the maximum penalty is life imprisonment or death: or X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or ___ (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. ___ (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

device).

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge